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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,710	08/10/1998	GUSTAVO R. PAZ-PUJALT	78137RLO	8222

1333 7590 11/24/2003

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
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ROCHESTER, NY 14650-2201

EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 11/24/2003

37

Please find below and/or attached an Office communication concerning this application or proceeding.

CL037

Office Action Summary

Application No.

09/131,710

Applicant(s)

Paa - Pujalt

Examiner

Bruce Hess

Group Art Unit

1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on 3-3-03 (Amendment)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 14, 17 and 18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 14, 17 and 18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1774

1. The finality of the last office action is withdrawn. The rejection under 35 USC 112 (first paragraph) is withdrawn.

2. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's statement of the prior art in view of either of the patents to Bailey et al (U.S.P. 5,364,732).

Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' statement of the prior art in view of the patent to Onishi et al. (U.S.P. 6,194,348)

Applicants acknowledge that their claimed support, barrier layer and information-recording layer are conventional in the art of thermal dye transfer receiver sheets. The secondary references teach the advantage of employing hydrophilic material [e.g., polyvinyl alcohol(Bailey et al. and Onishi et al.) or polyvinylpyrrolidone (Onishi et al. only)] as the protective layer on thermal dye transfer receiving elements. Use of the hydrophilic protective layers of the secondary references for their concomitant protective function on the thermal dye transfer receiving elements of the primary reference would have been obvious to one of ordinary skill in this art in the absence of unexpected results.

3. Claim 14 is rejected under 35 USC 117 (first paragraph) as being broader than the enabling disclosure as a result of applicants' failure to recite that the clear layer is hydrophilic.

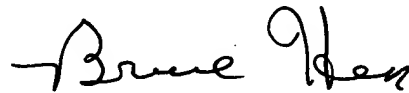
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4. Applicants' attention is directed to the fact that the prior art fails to teach or suggest clear layers consisting of gelatin formulated with surfactants, polyester ionomers, polyethylene oxide and copolymers of vinyl alcohol.

Any inquiry concerning this communication should be directed to Bruce Hess at telephone number (703) 308-2402.

B. Hess/lap

November 17, 2003

A handwritten signature in black ink, appearing to read "Bruce Hess", with a stylized flourish at the end.

BRUCE H. HESS
PRIMARY EXAMINER